

REMARKS

Reconsideration of the subject patent application is respectfully requested.

In the September 24, 2008 Office Action, the Examiner has raised a drawing objection with regard to the claimed subject matter of claims 12 and 13. The Examiner has also raised claim rejections under 35 U.S.C. § 112 also focusing on what is claimed in claims 12 and 13. With regard to any prior art rejections, claims 1-6 and 9-14 are rejected under 35 U.S.C. § 102(b) as being anticipate by Hine (U.S. Patent No. 6,044,961). Further, claims 1-6, 8-9, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Conklin, Jr. (U.S. Patent No. 6,186,314). Claims 7, 8, and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hine in view of the patents to Findlay (U.S. Patent Nos. 5,176,239; 5,411,127; and 5,439,090). Finally, claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Conklin, Jr. in view of the patents to Findlay. In response, amending changes have been made to the specification, the drawings, and the claims. With regard to the specification and drawings, it is Applicants' belief that no new matter is being introduced and that all of the issues raised by the Examiner have been fully and appropriately addressed.

The Examiner has raised an issue concerning the content of the drawings in view of what is recited in claims 12 and 13. Although claims 12 and 13 have been amended, the portions that the Examiner has concerns about relative to the drawings remain a part of each claim.

The Examiner states that the recitation of "electronic means" for communicating data to the cartridge constitutes a claim element that is not supported by the content of the

drawings. The Examiner is correct that an “electronic means” module is not specifically shown in any of Figures 1-5. This issue has been properly addressed by the addition of Figure 6. This new drawing figure shows “electronic means 32” that is constructed and arranged for communicating data to the cartridge 24. Electronic means 32 is positioned consistent with the claim 13 disclosure. Since the claims of any application constitute a portion of the specification, the subject matter originally recited in claims 12 and 13 would be considered a part of the specification of the subject patent application. As such, the subject matter of claims 12 and 13 constitute a portion of the overall disclosure and that subject matter can be relied upon for the introduction of drawing changes or additions. These two claims fully support the following technical features of the disclosed embodiments. First, these two claims support the existence of electronic means for communicating data to the cartridge. This is in addition to what already exists in the specification. Further, the electronic means is a package or module attached to the underside of the load supporting body 30. This is the extent of what Figure 6 discloses and thus Figure 6 is fully supported by the specification.

In addition, it is Applicants’ contention that a person of ordinary skill in the art would readily appreciate that the electronic means could take a variety of forms such as the transponder mentioned in the second full paragraph on page 7 of the subject patent application. Further, it is Applicants’ belief that a person of ordinary skill in the art would have the ability to determine, without undue experimentation, where and how to fit such an electronic means on the underside of the load supporting body without interfering with the conveyor and being placed in a suitable position for the desired communication with the cartridge 24. This particular step of assembly would simply require that the

person of ordinary skill in the art find a location with sufficient clearance space for placement of the electronic means and this could vary depending on the particular conveyor and the corresponding slat design used for that conveyor. It is Applicants' position that a person of ordinary skill in the art, given the current specification and the content of claims 12 and 13, would know how to implement the structural features of claims 12 and 13 without undue experimentation.

In terms of support, new matter, and enablement, it is clear from the existing disclosure that the cartridge 24 is constructed and arranged to present or project information and/or images from its upper surface 26 through the transparent part 22 of the main body 10, see page 6, the second full paragraph.

On page 6, beginning with the second full paragraph, it is explained that the cartridge could be a television-type device that is capable of control by remote means, similar to a wireless remote control. However, a true television only responds to cable inputs or over-the-air transmissions, unless otherwise programmed to receive an auxiliary input. In order to generate pre-selected or pre-designed advertising images and/or information, that data has to first be prepared and placed into a suitable media format, such as a DVD. A remotely controlled DVD player would allow the operator to selectively control the image and the sequence of images to be generated from the DVD and displayed on the television-type device, a common technique with regard to auxiliary inputs.

This particular technology is well known in millions of households and a DVD player could be one type of "electronic means" suitable for communicating data to the cartridge. While this technology may be well known and would thus satisfy any

enablement concerns, adding this technology to a conveyor slat with a transparent upper portion is a novel and unobvious adaptation. Similar display technology that would involve other electronic means is believed to be well known as part of electronic billboards that are programmed to change their display image as a result of pre-selected and pre-programmed auxiliary inputs to some type of display means. In the case of electronic billboards, the advertising information and images are provided in some type of electronic format and utilize electronic means to communicate or convey that information to the billboard which could be considered a television-type device in terms of presenting those images for viewing by the public.

Accordingly, all issues raised by the Examiner concerning the drawings and the specification and any further Section 112 issues are believed to have been fully and adequately addressed by the specification changes, the addition of Figure 6, and the foregoing remarks. Any additional Section 112 issues raised by the Examiner have been fully addressed by the various claim amendments.

REJECTION UNDER 35 U.S.C. §102(b) – HINE

Claims 1-6 and 9-14 have been rejected based on U.S. Patent No. 6,044,961 (Hine).

Claim 1 has been amended to specify a load supporting body associated with a cartridge receiving body such that loads will usually be transported on the load supporting body and not on the cartridge receiving body. The cartridge receiving body is the main body of original claim 1. The reference to the body now includes the modifiers

of “cartridge receiving” in hopes of improving the clarity of the claim as well as distinguishing the recited structure of claim 1 from the cited prior art.

In this regard, it is submitted that, as amended, claim 1 clearly distinguishes over Hine. Hine discloses a slat main body having a transparent upper surface and a recess for a cartridge that displays advertising material through the transparent surface. However, there is no disclosure or suggestion or other teaching in Hine of a cartridge receiving body and an associated load supporting body that allows the slat to be installed such that luggage will typically not cover the cartridge receiving body. In the Hine slat, the cartridge is received in the main body and the transparent surface provides the load supporting surface so that when the slat is in use, the advertising material and other information displayed by the cartridge will typically be covered by the load that is being transported by the conveyor. This is fully disclosed in the Hine reference relative to Figures 3, 5 and 6-11, for example.

REJECTION UNDER 35 U.S.C. §102(b) – CONKLIN, JR.

Claims 1-6, 8, 9, and 14 have been rejected based on U.S. Patent No. 6,186,314 (Conklin, Jr.)

With regard to the rejection of claim 1 based on the Conklin, Jr. patent, Applicants submit that claim 1, as amended, clearly distinguishes over Conklin, Jr. for at least the same reasons as set forth relative to the Hine reference. Those same arguments should support patentability of claim 1 over Conklin, Jr. in view of the differences found in Conklin, Jr., specifically as illustrated in Figures 1, 2 and 9.

With regard to claim 12, the Examiner has asserted that the slat disclosed in the Hine reference would inherently include electronic means to communicate data to the cartridge and thereby remotely control and change the data display. It is believed that by referring to an inherent disclosure, the Examiner has actually acknowledged that Hine does not provide an explicit disclosure of such means. However, Applicants take the position that there is also no inherent disclosure of any such means. It is submitted that it is at least as likely that the screen of Hine would be fed with images from a memory device associated with the screen.

With regard to the Examiner's remarks regarding claim 13 and the securing of the electronic means to the underside of the load supporting surface, it is submitted that since Hine does not disclose electronic means, there can be no disclosure, explicitly or implicitly, of where such means would be attached. It is further submitted that this distinction is enhanced by the clarifying amendment of claim 13 which now makes it clear that the electronic means is attached to the underside of the load supporting body. Applicants believe that this renders moot the Examiner's argument in support of the rejection of claim 13.

With regard to the various claim rejections under 35 U.S.C. § 103, these claims are in condition for allowance based on the patentability of claim 1, as amended.

New claims 15-22 are being added so as to pursue additional claim coverage to which the Applicants are entitled based on the existing disclosure and the references cited by the Examiner. Part of the basis for new claims 15-17 can be found in the first full paragraph of page 7 of the application and in Figure 5. It is believed that it will be clear from a consideration of Figure 5 and the description in the paragraph bridging pages 6

and 7 of the application that the cartridge receiving body 24 and load supporting body 30 are arranged such that, when installed, the cartridge receiving body will be to one side of the conveyor.

New claim 18 is based on a combination of amended claim 1 and new claim 17. Slightly different wording has been used in order to complement and round out the overall scope of coverage to which the Applicants are entitled. In this new claim 18, reference is made to a transparent surface portion through which the cartridge can be viewed rather than an upper surface having at least a transparent surface portion, as in claim 1. New claims 19 and 20 are dependent on claim 18 and would generally correspond to the content of new claims 15 and 16. However, in the case of claim 19 it is merely the transparent surface portion that is specified as being inclined rather than the cartridge receiving body as a whole. Once again, this is done to expand and complement the patent coverage to which the Applicants are entitled. New claim 22 is based on a combination of amended claim 1 and new claim 15. This claim also specifies the provision of a removable cartridge including a display screen for displaying electronically received images. The reference to a display screen is supported by the second full paragraph of page 7 and original claim 12 discloses electronic means to communicate data to this cartridge.

In view of the amending changes to the claims and considering the new claims relative to what a proper interpretation of the prior art would yield, claims 1, 2, 4-8 and 10-22 are in condition for allowance.

Respectfully submitted,

By James M. Durlacher
James M. Durlacher, Reg. No. 28,840
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456